IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9665 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : 1 to 5 NO

GUJARAT STATE FERTILIZER CHEMICALS LTD.

Versus

JAGDISH RAMBHAROSE YADAV

Appearance:

1. Special Civil Application No. 9665 of 2001

MR DM THAKAR for M/S TRIVEDI & GUPTA for Petitioner

MR KISHOR M PAUL for Respondent

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 09/04/2002

ORAL JUDGEMENT

1. RULE. Learned counsel Mr.K.M.Paul for the respondent waives service of Rule.

2. After the matter being argued at some length, in the face of the findings of fact arrived at after due appreciation of evidence, the controversy was restricted to the award of backwages. The learned counsel for the respondent fairly conceded that in view of the attendance of the respondent at his own shop and the necessary presumption of his having earned sufficient remuneration, the respondent would not insist on payment of any backwages. Therefore, on this fair concession, the petition is partly allowed and the impugned award is modified to the extent that the respondent shall not be entitled to any backwages. However, the rest of the award granting reinstatement with continuity of service is sustained. Rule is made absolute accordingly with no order as to costs.

Sd/-

(D.H.Waghela, J.)

09.4.2002

(KMG Thilake)